

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 ISO-00 SCA-01 JUSE-00 DEAE-00 SNM-02

CIAE-00 INR-10 NSAE-00 RSC-01 /043 R

DRAFTED BY L/M/SCA:CLBLAKESLEY:MA

APPROVED BY L/M/SCA:KEMALMBORG

JUSTICE:MRSTEIN (INFO)

----- 077404

R 111829Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY ROME

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E.O. 11652: N/A

TAGS: PFOR, CPRS, IT

SUBJECT: EXTRADITION - FRANCISCO TOSCANINO

1. THE ABOVE NAMED FUGITIVE WAS CONVICTED AND SENTENCED IN ABSENTIA BY THE COURT OF APPEALS AT NAPLES, FOR THE CRIME OF MURDER. DEPT HAS THE NECESSARY DOCUMENTS, THE WARRANT OF ARREST, SENTENCE AND ACCOMPANYING DOCUMENTATION, UNDER THE CERTIFICATION OF AMBASSADOR VOLPE DATED MAY 8, 1973.

2. SAID FUGITIVE, HOWEVER, IS NOT AMENABLE TO EXTRADITION AT THIS TIME, AS HE WAS RECENTLY CONVICTED AND SENTENCED TO IMPRISONMENT IN THE UNITED STATES FOR TRAFFICKING IN NARCOTICS. HE WILL NOT BE AMENABLE TO EXTRADITION UNTIL HIS PRESENT TERM OF IMPRISONMENT HAS EXPIRED.

3. DEPT HAS REQUESTED THE UNITED STATES BUREAU OF PRISONS FOR INFORMATION AS TO EXPIRATION DATE OF FUGITIVE TOSCANINO'S TERM OF IMPRISONMENT IN U.S., AND TO ISSUE A DETAINER OR EQUIVALENT DOCUMENT AGAINST FUGITIVE TOSCANINO SO THAT SECRETARY OF STATE MAY ISSUE WARRANT FOR SURRENDER OF SAID FUGITIVE UPON REQUISITION OF

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GOVERNMENT OF ITALY.

4. DEPT WILL ADVISE EMBASSY AS TO BUREAU OF PRISONS' RESPONSE TO ABOVE POINTS. PLEASE ADVISE APPROPRIATE ITALIAN GOVERNMENT OFFICIALS OF ABOVE.

5. AS PER THE ISSUE OF THE ACCUSED'S CONVICTION IN ABSENTIA, DEPT IS PREPARED TO CONSIDER THIS CASE AS ONE ENVISAGED UNDER THE PROCEDURES OF THE NEW TREATY ON EXTRADITION BETWEEN THE U.S. AND ITALY. THAT IS, THE CONVICTION WILL BE TREATED AS FINAL WHEN THE REQUEST FOR EXTRADITION IS ACCOMPANIED BY (1) EVIDENCE ESTABLISHING PROBABLE CAUSE THAT THE OFFENSE HAS BEEN COMMITTED BY THE PERSON SOUGHT, (2) WHEN THE ACCUSED WAS REPRESENTED AT TRIAL BY COUNSEL AND (3) WHEN ACTUAL OR CONSTRUCTIVE NOTICE OF THE CHARGES AND TRIAL WERE ACCORDED THE ACCUSED.

6. THE FIRST TWO OF THESE THREE POINTS ARE MET IN THE DOCUMENTATION PROVIDED BY THE ITALIAN GOVT. PLEASE REQUEST APPROPRIATE ITALIAN GOVT OFFICIALS TO PROVIDE DOCUMENTATION CONCERNING THE NOTIFICATION PROCEDURE EMPLOYED IN THIS CASE. IF ITALIAN GOVERNMENT WILL PROVIDE SUCH DOCUMENTATION, SEC. STATE WILL BE ABLE TO ISSUE THE WARRANT FOR SURRENDER OF FUGITIVE TOSCANINO AT THE EXPIRATION OF SAID FUGITIVE'S FEDERAL PRISON TERM. KISSINGER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PFOR
Control Number: n/a
Copy: SINGLE
Draft Date: 11 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE201634
Document Source: CORE
Document Unique ID: 00
Drafter: CLBLAKESLEY:MA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731037/aaaabaxw.tel
Line Count: 88
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 17 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17-Sep-2001 by kelleyw0>; APPROVED <22 FEB 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION - FRANCISCO TOSCANINO
TAGS: CPRS, IT
To: ROME
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005